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EXAMINER

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ART UNIT	PAPER NUMBER
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2675

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/044,728
Filing Date: January 11, 2002
Appellant(s): HAYNES, THOMAS R.

Cathrine K. Kinslow
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 6, 2004.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 3, 5 and 7 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 8-11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinichiro (JP 10207441 A).

As to independent claims 1, 11, 15 and 16, Shinichiro discloses a method in a data processing system for changing a pointer, the method comprising, receiving a user input indicating that a pointing device was moved (abstract, lines 4-6); calculating a rate of movement for the pointing device (abstract, lines 4-6); comparing the rate of movement with a given threshold of speed (abstract, lines 4-7) ; and automatically updating a presentation of the pointer based on the given threshold of speed in response to receiving the user input, wherein a presentation of the pointer is altered if the rate of movement exceeds the given threshold of speed (abstract, lines 4-11); and wherein the presentation of the pointer is a series of different changes in presentation based on the rate of movement for the pointing device (abstract lines 4-11)

As to dependent claim 6, limitations of claim 1, and further comprising, wherein the threshold is a measurement of a distance traveled with respect to a time interval for the distance traveled (abstract, lines 4-6).

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As to dependent claim 8, limitations of claim 1, and further comprising, wherein the updating step includes changing the color of the pointer (abstract, lines 8-11).

As to dependent claim 9, limitations of claim 1, and further comprising, wherein the updating step includes changing the shape of the pointer (abstract, lines 8-11).

As to dependent claim 10, limitations of claim 1, and further comprising, wherein the updating step includes changing the size of the pointer (abstract, lines 8-11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiro (JP 10207441 A).

As to dependent claim 3, limitations of claim 1, and further comprising, wherein other thresholds are present in addition to the given threshold of speed and wherein the pointer is changed each time one of the other thresholds is exceeded (abstract). Shinichiro discloses moving speed, cursor position and changing of distance. Although Shinichiro does not explicitly state other thresholds, it would have been obvious to one of ordinary skill in the art that the system of Shinichiro takes into account the cursor position and changing of distance.

As to dependent claim 5, limitations of claim 1, and further comprising, wherein the pointer returns to its previous appearance when the rate of movement for the pointing device decreases below the given threshold of speed. Shinichiro discloses in the translation, paragraphs

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0027-0028, where after user input, the speed of the cursor is judged. If the speed rate is under a threshold, the signal actuation is not performed. When the signal actuation is not performed, the usual cursor pattern is chosen by the processor. It would have been obvious to one of ordinary skill that if the usual cursor pattern is chosen by the processor, it would indicate that the system of Shinichiro returns the pointer to its previous appearance.

As to dependent claim 7, limitations of claim 1, and further comprising, wherein the pointing device is one of a mouse, a pointing stick, a touch pad, a joystick, a key on a keyboard, an electronic pen, or a trackball. Although Shinichiro does not disclose where the pointing device is one of a mouse, a pointing stick, a touch pad, a joystick, a key on a keyboard, an electronic pen, or a trackball, it would have been obvious to one of ordinary skill in the art that the pointing device must be one of the above.

5. Claim 13, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiro (JP 10207441 A) in view of Heath et al (US 4,760,386).

As to independent claims 13, 14, 17 and 18, limitations of claims 1 and 11, and further comprising, wherein the data processing system comprises, a bus system, a communications unit connected to the bus system; a memory connected to the bus system, wherein the memory includes a set of instructions. Shinichiro does not state where the data processing system comprises a bus system, a communications unit, or a memory. Heath et al disclose a cursor system in Fig. 1, comprising, a bus system (item 2), a communications unit (item 1), a memory connected to the bus (item 6). It would have been obvious to one of ordinary skill in the art to incorporate the processing system of Heath et al into that of Shinichiro as the processing system would be in any type of computer systems with cursor controls.

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(11) Response to Argument

In response to applicant's arguments with respect to claims 1, 3, 6-11, and 15-18, applicant argue the prior art Shinichiro does not anticipate the present invention as recited in claim 1, because Shinichiro fails to teach each and every element of the claim, specifically, where in a presentation of the pointer is altered if the rate of movement exceeds the given threshold of speed, wherein other thresholds are present in addition to the given threshold of speed and wherein the pointer is changed each time one of the other thresholds is exceeded.

With respect to the prior art Shinichiro, as shown by the translation, in paragraphs 0015-0019, predetermined signal actuation is performed when a user manipulates the pointing device. This predetermined signal actuation enhances the cursor displayed in order make locating the cursor easier. Cursor changes are accomplished by detecting the variation rate of the speed of the pointing device. The cursor display control detects speed thresholds of the cursor. When the cursor speed exceeds predetermined rate thresholds, the display emphasis processing means changes the display of the cursor, such as enlarging, color, and brightness. Shinichiro in paragraphs 0024-0026, where there are multiple threshold rates of speed to determine changes in the cursor display. These features of Shinichiro is the same as automatically updating a presentation of the pointer using a series of different changes in presentation based on the rate of movement or rates of movement as disclosed by the applicant.

In response to applicant's arguments with respect to claim 5, limitations of claim 5 state where the pointer returns to its previous appearance when the rate move movement for the pointing device decreases below the given threshold of speed. Shinichiro discloses in the translation, paragraphs 0027-0028, where after user input, the speed of the cursor is judged. If

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the speed rate is under a threshold, the signal actuation is not performed. When the signal actuation is not performed, the usual cursor pattern is chosen by the processor. It would have been obvious to one of ordinary skill that if the usual cursor pattern is chosen by the processor, it would indicate that the system of Shinichiro returns the pointer to its previous appearance.

In response to applicant's arguments with respect to the combination of Shinichiro and Heath et al, Applicant argues that there is no motivation to combine. Examiner, respectfully disagrees. Shinichiro did not explicitly state the detail of the components of a cursor control system, thus Heath et al was added to disclose the components of a cursor control system as is obvious to one of ordinary skill in the art. The prior art Heath et al disclose the components of a cursor control system such as a bus system, a communications unit, and a memory connected to the bus. The detail of the cursor control system as disclosed by Heath et al is obvious to any cursor control system. Thus, examiner maintains that this combination is proper. For the above reasons, it is believed that the rejections should be sustained.

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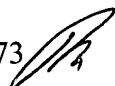
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Respectfully submitted,

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Examiner
Art Unit 2675

SKK
November 14, 2004

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